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7 HONORABLE RONALD B. LEIGHTON
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12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON
14 AT TACOMA

15 U.S. BANK NATIONAL ASSOCIATION, NO. 04-5623 RBL

16 vs. Plaintiff,

17 EEL RIVER INVESTMENT COMPANY,
18 STERNE, AGEE & LEACH, INC., et. al.,
19 Defendants.

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**STIPULATION AND [PROPOSED]
ORDER REGARDING F.R.C.P. 60
RELIEF FROM ORDERS ON COSTS**

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STIPULATION

27 Plaintiff U.S. Bank National Association (“U.S. Bank”) and Defendant Sterne Agee &
28 Leach, Inc. (“SAL”), by through their respective undersigned counsel of record, stipulate and
29 agree as follows:

30 In light of the Ninth Circuit Court of Appeals’ decision to vacate the District Court’s
31 prior judgment in favor of SAL and remand the action for further proceedings, SAL agrees that it
32 is not at this time entitled to the \$15,912.73 in costs taxed against U.S. Bank in this Court’s July
33 17, 2006 Order (Dkt. #416) and that the aforesaid Order should be vacated. By extension, this
34 applies equally to this Court’s superceded Taxation of Costs, dated June 20, 2006 (Dkt. #406).
35 U.S. Bank did not pay the \$15,912.73 while its appeal was pending before the Ninth Circuit
36 Court of Appeals.

1 Accordingly, the parties respectfully request the Court to enter an Order in the form
2 provided below.

3 DATED and AGREED by the parties hereto through their respective counsel of record
4 this 24th day of July, 2008.

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6 DORSEY & WHITNEY LLP

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8 HASKELL SLAUGHTER YOUNG &
9 REDIKER LLC

10 /s/ Shawn Larsen-Bright
11 Peter Ehrlichman, WSBA #6591
12 Curt Roy Hineline, WSBA #16317
13 Shawn Larsen-Bright, WSBA #37066
14 1420 Fifth Avenue, Suite 3400
15 Seattle, WA 98101
16 (206) 903-8800
17 Attorneys for Plaintiff
18 U.S. Bank National Association

19 /s/ Peter Tepley
20 Peter Tepley (admitted *pro hac vice*)
21 2001 Park Place North, Suite 1400
22 Birmingham, Alabama 35203
23 (205) 251-1000
24 Attorneys for Defendant
25 Sterne, Agee & Leach, Inc.

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ORDER

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IT IS HEREBY ORDERED AND ADJUDGED that pursuant to Fed.R.Civ.P. 60(b)(5),
3 and the above stipulation of the parties, this Court's July 17, 2006 Order (Dkt. #416) and this
4 Court's June 20, 2006 Taxation of Costs (Dkt. #406) are hereby VACATED. Plaintiff U.S. Bank
5 National Association is no longer under any order or judgment to pay \$15,912.73 to defendant
6 Sterne Agee & Leach, Inc. The Clerk of the Court is directed to strike any judgment awarding
7 costs to Sterne Agee & Leach. The Court retains jurisdiction to consider issues of costs after
8 further proceedings.

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Done in open court, this 1st of August, 2008.

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Ronald B. Leighton

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RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE

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Presented by:
15 DORSEY & WHITNEY LLP

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17
/s/ Shawn Larsen-Bright
18 Peter Ehrlichman, WSBA #6591
19 Curt R. Hineline, WSBA #16317
20 Shawn Larsen-Bright, WSBA #37066
Attorneys for Defendant
U.S. Bank National Association

21
Approved by:
22 HASKELL SLAUGHTER YOUNG & REDIKER LLC

23
/s/ Peter Tepley
24 Peter Tepley (admitted *pro hac vice*)
25 Attorneys for Defendant
Sterne Agee & Leach, Inc.